

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Assignee: iRobot Corporation

Applicant: Thomas L. De Fazio et al

Examiner: Unknown

Patent Application No.: Unknown

Art Unit: Unknown

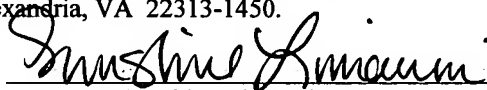
Filed: 7 July 2003

Title: WHEELED PLATFORMS

Attorney Docket: ISR-PAT/CTR-1CON

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**CERTIFICATE OF EXPRESS MAILING:** I hereby certify that the attached correspondence is being deposited, under 37 CFR 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" Service, Label No. EV 118 869 996 US, on July 7, 2003, in an envelope addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, , P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing correspondence:

  
Sunshine Limanni

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**PRELIMINARY AMENDMENT**

Sir:

This is a preliminary amendment to the above-identified patent application, which is a continuation of U.S. patent application Serial No. 09/826,209 pursuant to 37 CFR §1.53(b).

**HISTORY - U.S. PATENT APPLICATION SERIAL NO. 09/826,209:**

- Patent application Serial No. 09/826,209 filed 04 April 2001 (73 original claims)
- Subject to Restriction and/or Election Requirement dated 30 July 2002
- Election, without traverse, to prosecute original claims 21-46 and 58-73, and newly-added claims 74-79 (claims 1-20 and 47-57 withdrawn from consideration)
- By Preliminary Amendment filed concurrently with Election in response to the Restriction Requirement, claims 74-79 were added, claims 21, 23-28, 31, 35, 42, 58, 60-68, and 70-73 were amended, and claims 29-30, 59, and 69 were canceled, without prejudice.
- By the Office Action dated 06 November 2002:
  - Claims 21-27, 31-35, 40, 43-46, 58-67, 70, 74, 77, and 78 were rejected under 35 USC §102(b) as being anticipated by Minoru Ishida (U.S. Patent No.3,540,151) for the reasons set forth in Paragraph 11 of the Office Action.
  - Claims 37-39, 41, 42, 72, 75, and 79 were rejected under 35 USC §103(a) as being unpatentable over Minoru Ishida in view of Griffin et al. (U.S. Patent No. 5,323,867) for the reasons set forth in Paragraph 14 of the Office Action.
  - Claims 28, 36, 68, 71, 75, and 76 stand rejected under 35 USC §103(a) as being unpatentable over Minoru Ishida as applied to the claims above, and further in view of Tilbor et al. (U.S. Patent No. 5,429,543) for the reasons set forth in Paragraph 15 of the Office Action.
  - In addition, claims 58-68, 70-73, and 77-79 were rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention for the reason set forth in Paragraph 9 of the Office Action.
- By the Response to the Office Action filed 26 March 2003, claims 21, 24, 31-34, 36-37, 58, 63, and 70 were amended, and claims 23 and 65 were canceled.
- By the Office Action mailed 15 May 2003:
  - Claims 37-41 and 58 were objected to.
  - Claims 21, 22, 24-28, 31-46, 67, 68, and 70-74 were rejected under 35 USC §112, first paragraph.
  - Claims 24, 26-28, and 42 were rejected under 35 USC §112, second paragraph, for

- the reasons set forth in Paragraph 8 of the Office Action.
- Claims 21, 22, 25-28, 31-35, 41, 43-46, and 74-76 were finally rejected under 35 USC §102(b) as being anticipated by Minoru Ishida (U.S. Patent No. 3,540,151).
  - Claims 37, 38-40, and 42 were finally rejected under 35 USC §103(a) as being unpatentable over Minoru Ishida (the '151 patent) in view of Griffin et al (U.S. Patent No. 5,323,867).
  - Claim 36 was finally rejected under 35 USC §103(a) as being unpatentable over Minoru Ishida (the '151 patent) as applied to claim 21 above in view of Tilbor et al (U.S. Patent No. 5,429,543).
  - Claims 58-64 [sic: 58, and 60-64 - claim 59 was previously canceled], 66, 70-73, 78, and 79 were allowed.
  - Claims 24, 67, 68, and 77 were indicated as being allowable if rewritten to overcome the rejection(s) under 35 USC§112, first and second paragraphs, and to include all of the limitations of the base claim and any intervening claims.
- A Rule 116 Amendment has been filed concurrently with this Preliminary Amendment and the Rule 53(b) continuation patent application based upon the above-identified patent application. Pursuant to this Rule 116 Amendment, the Applicant has canceled claims 1-23, 25-57, 67, and 74-76, and amended claims 24, 58, and 77 in response to the Final Office Action. Claims 24 (independent), 58 (independent), 60-64, 66, 68, 70-73, and 77-79 are being prosecuted under this Rule 116 Amendment.
  - ◆ For the convenience of the Office, the Applicant is submitting herewith as an attachment a chart showing the historical status of the claims of nonprovisional U.S. patent application Serial No. 09/826,209. This chart also provides a correlation between the claims of nonprovisional U.S. patent application Serial No. 09/826,209 as being prosecuted under the Rule 116 Amendment, and the claims presented in the concurrently-filed Rule 53(b) continuation application.